

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JILLIAN HORMAN,

Plaintiff,

v.

SUNBELT RENTALS, INC.; DOES 1–
100; CORPORATIONS XYZ 1–100,

Defendants.

C20-564 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff is DIRECTED to show cause within fourteen (14) days of the date of this Minute Order why her claims against defendants Does 1–100 and Corporations XYZ 1–100 should not be dismissed (either with or without prejudice) for failure to timely identify and join such individuals and/or entities and prosecute any claims against them. See Fed. R. Civ. P. 41(b).

(2) Plaintiff's motion for partial summary judgment, docket no. 84, is DENIED. Genuine disputes as to material facts preclude judgment as a matter of law on the issues raised in plaintiff's motion. See Fed. R. Civ. P. 56(a).

(3) Defendant Sunbelt Rentals, Inc.'s motion for summary judgment, docket no. 77, is GRANTED in part and DENIED in part. With regard to plaintiff's assertion of a claim for respondeat superior and prayer for punitive damages, defendant's motion is GRANTED. Respondeat superior is a theory of vicarious liability, not a stand-alone claim. Plaintiff's fifth cause of action is DISMISSED. Plaintiff's other four claims are brought solely under the Washington Law Against Discrimination. Punitive damages are not available under Washington law, and plaintiff's request for punitive damages is

1 STRICKEN. Defendant's motion for summary judgment is otherwise DENIED.
2 Genuine disputes concerning material facts preclude summary judgment. See Fed. R.
Civ. P. 56(a).

3 (4) Counsel were advised during a telephonic conference on November 5,
2021, that another case is set for trial on the same day as this matter. The other case
4 (Chinn) remains scheduled for a ten-day jury trial to commence on January 24, 2022.
The parties shall be prepared to proceed to trial on either January 24, 2022, as currently
5 scheduled, or on February 7, 2022, if displaced by the Chinn matter.

6 (5) The parties' stipulated motion for an extension, docket no. 102, is
GRANTED as follows. Counsel are advised that deposition designations are required
7 only if the witness will testify solely by deposition. If a deposition will be used merely
for impeachment purposes (or to refresh a witness's recollection), designations are not
8 necessary. Counsel may agree among themselves on interim deadlines necessary to meet
the deadline for filing deposition designations. The deadline for filing deposition
9 designations remains January 7, 2022. Counsel shall provide color-coded and bound
courtesy copies of the entire transcript of any deposition being offered in lieu of live
10 testimony.

11 (6) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

12 Dated this 29th day of November, 2021.

13
14 Ravi Subramanian
Clerk

15 s/Gail Glass
16 Deputy Clerk
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